

Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

OCTOBER 15, 2018

9:30

Calendar No. 18-205:

5221 Pearl Rd.

Ward 13

Kevin J. Kelley

20 Notices

Donald J. Petruzzi, owner, proposes to maintain a non-conforming business identification sign for a use that has been discontinued for several years on a parcel located in B1 General Retail Business District and a C3 Semi-Industry District. The owner appeals for relief from the strict application of Section 350.19 (c) of the Cleveland Codified Ordinances which states that a sign shall be removed or made to conform to the regulations of the zoning code if the use to which the sign refers has been discontinued for a continuous and immediately preceding period of at least six (6) months. The subject sign is nonconforming in area and height (BZA Calendar No 02-74). (Filed September 14, 2018)

9:30

Calendar No. 18-206:

4403 Superior Ave.

Ward 10

Anthony T. Hairston

19 Notices

Hansen Realty, owner, proposes to install a new 228 linear feet of 6' high aluminum commercial fence in the front yard of a parcel located in a C3 Semi-Industry District. The owner appeals for relief from the strict application of Section 358.05(a)(2) of the Cleveland Codified Ordinances which states that a fence in the actual front yard and side street yard in Semi-Industry District shall not exceed 4' in height and shall be at least 50% open a 6' high aluminum commercial fence proposed. (Filed September 14, 2018)

9:30

Calendar No. 18-207:

4474 W. 14 Street

Ward 12

Anthony Brancatelli

12 Notices

CHN Housing Partners, owner, propose to construct an addition in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 357.09(b)(2)(B) of the Cleveland Codified Ordinances which states that in a Two-Family District no interior side yard shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one fourth (1/4) the height of the main building on the premises. Building height is approximately 22'-0"; thus no interior

side yard shall be less than 5'-6". A zero lot line side yard is proposed. (Note: The gutters and downspout may be encroaching adjacent property.) (Filed September 18, 2018)

9:30

Calendar No. 18-208:

691 E. 165 Street

Ward 8

Michael D. Polensek

18 Notices

Proterra, Inc., owner, proposes to use lot as "temporary storage material handling" in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1.) Section 349.04(j) which states that open yard storage use requires parking in the amount of one space for each employee plus space equal to 15% of the gross lot area. Parking area in the amount of one space per employee plus 43,134 square foot parking area is required; approximately 2,500 square foot parking area that does not meet paving requirements of Section 349.07 is provided.
- 2.) Section 349.07(a) which states that parking, driveways, and vehicle maneuvering areas must be surfaced with concrete, asphaltic concrete, or asphalt or other surfacing materials approved by the Director of Building and Housing. Asphalt grindings surfacing and unpaved roadways are proposed.
- 3.) Section 345.04(a)(3) which states that the open yard storage of used building material (broken used concrete) is permitted only if the lot upon which the storage use occurs is located no closer than 500 feet to a residence district. Lot upon which proposed use will occur abuts a residence district to the west. (Filed September 18, 2018)

9:30

Calendar No. 18-210:

4900 Lakeside Ave.

Ward 10

Anthony T. Hairston

11 Notices

DAMIJU, owner, proposes to install a fence in a B3 General Retail Business. The owner appeals for relief from the strict application of Section 358.05 of the Cleveland Codified Ordinances which states that a fences in the actual front yard and in the actual side street yard shall not exceed six (6) feet in height and the proposed fence height is eight (8) feet. (Filed September 19, 2018)

REINSTATED FROM SEPTEMBER 4, 2018

9:30

Calendar No. 18-173:

15714 Talford Ave.

Ward 1

Joseph T. Jones

35 Notices

Wayne Byrd, owner, proposes to establish use as state licensed residential facility for up to 5 residents in an A1 One Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 325.571 which states that a "Residential Facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to an of the following: (a) one (1) or two (2) unrelated person with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.02(h) which states that A residential facility for one (1) to five (5) unrelated persons, is permitted in a One Family District provided it is located not less than one thousand (1,000) Feet from another residential facility. Proposed use is within 1,000 feet of another residential facility, Open Arms Adult family house, at 16003 Glendale Avenue. (Filed August 2, 2018-No Testimony) *APPELLANT DID NOT ATTEND PREVIOUS HEARING DUE TO A FAMILY EMERGENCY.*

POSTPONED FROM SEPTEMBER 24, 2018

9:30

Calendar No. 18-194:

6708 Wakefield Ave.

Ward 15

Matt Zone

14 Notices

Kristina Reisz proposes to erect a new 2.5 story, 1,800 square foot single family house with a detached three car garage on a 4,881 square foot City of Cleveland Land Bank Lot in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that in a Two-Family District no interior side yard shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. The required side yard is 8'-8" and a 5' side yard is proposed.
2. Section 337.23(a)(6)(A) which states that in a dwelling house district the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which event the floor area may be increased in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area. The permitted square footage of the proposed accessory is 656.75 square feet and the proposed three car garage is 775 square feet.
3. Section 337.23 (a) which states that an accessory building shall be located a minimum of 18" from all property lines and at least ten feet from any main building on adjoining lot. The proposed garage is 6" to the property line. (Measurement taken from gutter board.)
4. Section 357.13 which states that the condensing unit within the required side yard is not a permitted encroachment.
5. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed August 31, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD DUE TO A CHANGE IN THE SITE PLAN.*

RES JUDICATA

9:30

Calendar No. 18-196:

**14209 Triskett Rd.
Res Judicata**

**Ward 16
Brian Kazy
9 Notices**

Christina Green, owner, proposes to erect a two story frame accessory garage in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 353.05 which states that an accessory building shall not exceed (15) fifteen feet or the distance to a main building on an adjoining lot in a Residence District whichever is less; the proposed two story garage is approximately 19 feet tall. (Filed September 5, 2018) **RES JUDICATA:** The Board must first determine if the Appellant is requesting an identical or substantially similar variance for the same premises as in prior appeals to the Cleveland Board of Zoning Appeals, being Calendar Number 17-29, and 18-74 which were both refused. The board must determine if this is a "refiling" under Rule XIII of the *Rules and Regulations of the Cleveland Board of Zoning Appeals*. The appellant must demonstrate a basis which would prevent the application of *res judicata* including: substantially changed circumstances, substantial new relevant evidence which was not available at the hearing on the prior appeal or that the application of *res judicata* would create a manifest injustice.